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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,972	10/02/2003	Yacine El Mghazli	Q77793	6295

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EXAMINER

KEEFER, MICHAEL E

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/675,972	Applicant(s) EL MGHAZLI ET AL.	
	Examiner Michael E. Keefer	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/02/2003 and 1/12/2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/02/2003, 4/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Application and Amendment filed 10/02/2003.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

4. The abstract of the disclosure is objected to because of the use of legal language and because the abstract exceeds one paragraph.

Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

6. The specification is objected to as it lacks proper section headings. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.

In order to assist the applicant, the examiner suggests the insertion of the following headings in these areas:

- (1) Field of the Invention. (Page 1, Line 5.)
- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98. (Page 1, between lines 8 and 9.)
- (3) BRIEF SUMMARY OF THE INVENTION. (Page 4, between lines 18 and 19)
- (4) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(This section must be added when the drawings required under 37 CFR 1.81(c) above are submitted.)
- (5) DETAILED DESCRIPTION OF THE INVENTION. (Page 6, between lines 5 and 6)

Appropriate correction is required.

Claim Objections

7. Claims 1-9 are objected to because of the following informalities:

Regarding **claim 1**, it is suggested that in line 6 the word "said" be deleted to improve the clarity of the claim.

It is further suggested that in line 8 the word "of" be deleted to improve the clarity of the claim.

It is additionally suggested that in line 11 the word "said" be deleted to improve the clarity of the claim.

It is suggested that in line 13, both instances of the word "said" be deleted to improve the clarity of the claim.

In lines 1 and 2 of the claim, it is suggested that "a packet communication network, preferably an IP protocol network" should be edited to read as either --an IP protocol network-- or --a packet communication network-- to improve the clarity of the claim.

In line 2, it is suggested that the word "this" be deleted and replaced with the word --the--.

In line 2, it is suggested that the phrase "being a hybrid network" be deleted to improve the clarity of the claim.

In line 3, it is suggested that the word "so-called" be deleted.

In line 4, it is suggested that the phrase "that is to say those" be deleted and replaced with the phrase --said active packets--.

In line 5, it is suggested that the word "these" be deleted and replaced with the word --the--.

In line 5, it is suggested that the word --said-- be inserted between the words "of" and "active".

In line 6, the phrase "one and the same" should be deleted and replaced with the word --the--.

In line 11, the phrase "an active node" should be deleted and replaced with the phrase --one of the active nodes--.

In line 12, the phrase "reservation of resources" should be deleted and replaced with the phrase --reserving the resources--.

In line 12, the phrase "the node" should be deleted and replaced with the phrase --the one of the active nodes--.

Regarding **claim 2**, it is suggested that the word "said" in line 1 be deleted to improve the clarity of the claim.

It is further suggested that the word "the" in line 2 be deleted to improve the clarity of the claim.

Regarding **claim 3**, it is suggested that the word "said" in line 1 be deleted to improve the clarity of the claim.

It is further suggested that both instances of the word "the" in line 2 be deleted to improve the clarity of the claim.

Regarding **claim 4**, it is suggested that in line two the word "said" be deleted to improve the clarity of the claim.

Regarding **claim 5**, it is suggested that the word "said" in line 2 be deleted to improve the clarity of the claim.

It is further suggested that the word "the" in line 3 be deleted to improve the clarity of the claim.

It is additionally suggested the word "this" in line 3 be deleted and replaced with the word --the-- to improve the clarity of the claim.

In lines 3-4, the phrase "an active node" should be deleted and replaced with the phrase --said one of the active nodes--.

In line 4, the phrase "in that," should be deleted.

In line 6, the phrase "active node" should be deleted and replaced with the phrase --one of the active nodes--.

It is also suggested that the word "said" be deleted from lines 6 and 8 in all four instances to improve the clarity of the claim.

In line 8, the phrase "execution of" should be deleted and replaced with --executing--.

In line 8, the phrase "active node" should be deleted and replaced with the phrase --one of the active nodes--.

In line 13, it is suggested that the phrase "an active packet" be deleted and replaced with --one of said active packets--.

Regarding **claim 6**, it is suggested that all three instances of the word "said" be deleted to improve the clarity of the claim.

Regarding **claim 7**, it is suggested that all three instances of the word "said" be deleted to improve the clarity of the claim.

It is further suggested that in line 2 the word "node" be deleted and replaced with --one of the active nodes--.

Regarding **claim 8**, it is suggested that the word "said" be deleted from line 3 to improve the clarity of the claim.

It is further suggested that in line 3 the word "node" be deleted and replaced with --one of the active nodes--.

Regarding **claim 9**, it is suggested that in line 3 the word "it" be deleted and replaced with --the node-- to improve the clarity of the claim.

In lines 1 and 2 of the claim, it is suggested that "An active packet communication network node, preferably an IP active router" should be edited to read as either --an IP active router-- or --an active packet communication network node-- to improve the clarity of the claim.

It is further suggested that the word "a" in line 3 be deleted and replaced with --the-- to improve the clarity of the claim.

It is additionally suggested that the word "an" in line 4 be deleted and replaced with the word --the-- to improve the clarity of the claim.

It is also suggested that the word "a" in line 5 be deleted and replaced with the word --the-- to improve the clarity of the claim.

It is suggested that the word "said" be deleted from both lines 5 and 6 to improve the clarity of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 1, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 1**, the phrase "sending on the network" in line 8 is confusing because it is unclear where the reservation packet is actually being sent; the examiner interprets this to mean that the reservation packet is being sent to one of the active nodes in the network as implied by step b) of the method which states that the reservation packet is received by one of the active nodes of the network.

Regarding **claim 8**, the phrase "sending on the network" in line 8 is confusing because it is unclear where the confirmation packet is actually being sent; the examiner interprets this to mean that the confirmation is being sent to whatever entity sent the reservation packet in step a).

Regarding **claim 9**, the phrase "received active packet" is confusing because nowhere in claim 1 was an active packet received, in addition, the claiming of a singular "active packet" when plural "active packets" were claimed in the preamble of claim one is confusing. Furthermore, it seems that "a reservation packet" and "a resource reservation request" are actually referring to the same structure, which is confusing.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is directed to a method for reserving resources. In order for a claim to be statutory it must have a concrete, useful, and tangible result. In this case the result is concrete and useful but it is not tangible. The mere act of reserving resources is not a tangible result.

Claims 2-8 which depend upon claim 1 fail to add a tangible result and are rejected for the same.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wittmann et al. (AMnet: Active Multicasting Network), hereafter Wittmann.

Regarding **claims 1 and 9**, Wittmann discloses:

A method for reserving resources in a packet communication network, preferably an IP protocol network, this network being a hybrid network comprising both active nodes and passive nodes, the active nodes alone being capable of taking into account so-called active packets, that is to say those containing information related to a corresponding execution environment of these active nodes, an active data flow being a set of active packets having to be taken

into account by one and the same execution environment (this network is disclosed in Fig. 1 as well as the first paragraph of section 2.1), the said method comprising the steps of:

a) sending on the network of a reservation packet containing a request for reservation of resources constituting an execution environment for an associated active data flow; (See Fig. 3, note the RSVP message with the QF Object inside)

b) receiving of the said reservation packet by an active node of the network (Fig. 3 shows the RSVP message being received at the RSVP Daemon); and

c) reservation of resources of the node according to the said request, (Note that in Fig. RVSP Daemon forwards the QF Object to the QF Daemon, which then programs the QoS Filter according to the QF object thereby reserving the filtering resources)

the said method being characterized in that the said reservation packet is an active packet. (The RSVP packet containing the QF Object is inherently active as it will program the QoS filters within an active node.)

Note that Figure 3 is the diagram of an active node operable to perform the steps above.

Regarding **claim 2 as applied to claim 1**, Wittmann discloses:

the packet is in RSVP format. (Pg. 897, Col. 2, Section 3, lines 5-6 state that Amnet is based on RSVP.)

Regarding **claim 3 as applied to claim 1**, Wittmann discloses:

the packet may be a PATH type of the RSVP protocol. (Page 899, Col. 1, Paragraph 7: "A soft state is created and periodically refreshed by PATH or RESV messages. QF objects are included in these messages.")

Regarding **claim 4 as applied to claim 1**, Wittmann discloses:

the reservation packet comprises an identifier of the said active data flow. (Note the C-Type field in Figure 2(b). which identifies the type of active data flow)

Regarding **claim 5 as applied to claim 1**, Wittmann discloses:

the said reservation packet is provided for containing parameters for processing data contained in the said associated active data flow, this processing being a code executable by an active node of the network, (see Fig. 2, which shows the format for the parameters for processing the data in the data flow) and in that, in the case of these processing parameters being present, the step b) is followed by:

b 1) a step of loading by the said active node of the said corresponding executable code (See Fig. 3, the QF Daemon loads and configures the appropriate QoS-filters); and

b2) a step of execution of the said code by the said active node. (The filters are executed inherently upon members of the group data flow that was reserved.)

Regarding **claim 8 and as applied to claims 1 and 5**, Wittmann discloses:

after the step b1), a step of: b3) sending on the network by the said node of a confirmation of loading of the said executable code. (This step is inherent, as in the RSVP protocol when a node is finished with the setup requested by a PATH or RESV message then the message is forwarded onto the next node on the path. In the case of a failure, an error message is then forwarded in the opposite direction.)

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittmann as applied to claims 1 and 5 above, and further in view of Eichert et al. (US 6393474), hereafter Eichert.

Regarding **claim 6**, Wittmann discloses all the limitations of claim 6 except for the processing parameters constitute code executable by the active node.

The general concept of an active node receiving code in an active packet reserving policy is well known in the art as taught by Eichert. (Col. 2, line 65 through Col. 3 line 1 which teaches that the active packet file may contain the policy code executable by the active network devices.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of reserving resources of Wittmann and the

general concept of an active node receiving code in an active packet reserving policy as taught by Eichert in order to decouple the policy services from the underlying node infrastructure.

Regarding **claim 7**, Wittmann discloses all the limitations of claim 6 except for the processing parameters identify a server and a code downloadable by the node from the server.

The general concept of a policy reservation packet identifying a server and code to download and execute from the server is well known in the art as taught by Eichert. (Col. 2, lines 60-67, Col. 3 lines 1-3 teach that the code in the active packet may be stored on a distributed database and the active packet may just inform the device where the packet may be found.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of reserving resources of Wittmann and the general concept of a policy reservation packet identifying a server and code to download and execute from the server as taught by Eichert in order to make sure the code is secure by authenticating the server that contains the executable code.

Conclusion

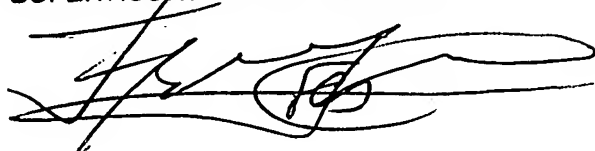
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday-Thursday 8am-5pm, second Fridays 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on (571) 270-1808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 2/27/2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Frantz Jules', written over a horizontal line.